

## **REMARKS**

### **I. INTRODUCTION**

Claims 1 and 2 have been amended merely to clarify the subject matter recited therein. Claims 3-55 have been canceled, without prejudice, as being directed to non-elected subject matter. Applicants reserve the right to file one or more continuing applications in which such claims would be prosecuted. New claims 56-67 have been added, as provided in the claim listing above. Accordingly, claims 1, 2, and 56-67 are now under consideration in the present application.

### **II. DRAWINGS**

In the Office Action, the Examiner stated that new corrected drawings should be submitted that comply with 37 C.F.R. § 1.121, since the shading of the drawings allegedly precludes a satisfactory reproduction. Applicants have provided herewith Replacement Sheets 1-10 which are identified in the top margin as "Replacement Sheet" and are thus in compliance with 37 C.F.R. § 1.121, and corrected a minor inconsistency in Fig. 1B, changing the label of chord 10 to 11 to be consistent with the description provided in the specification. (See, e.g., para. [0010] of the published application, U.S. Publication No. 2006/0095025). Accordingly, the new drawings should be accepted.

### **III. REJECTION UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN**

Claim 2 stands rejected under 35 U.S.C. § 112 as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Specifically, the Examiner alleges that the meaning of "the diameter of the cutting edge" is not clear.

Applicants have amended claim 2 to recite "a width of the cutting edge." Support for this amendment is provided, inter alia, in Figs. \$A, \$B, 5, and 6A-6C.

### **IV. REJECTION UNDER 35 U.S.C. § 102 SHOULD BE WITHDRAWN**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,507,795 issued to Chiang et al. (the "Chiang Patent"). Applicants respectfully assert that the Chiang Patent fails to disclose the subject matter

recited in amended independent claim 1 and the claims which depend therefrom, as provided in more detail below.

In order for a claim to be rejected as anticipated under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. Manual of Patent Examining Procedures, §2131; *also see Lindeman Maschinenfabrik v. Am Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

The Chiang Patent describes a flexible catheter which includes a cutting blade. (See Chiang Patent, Abstract; col. 3, lines 52-64; and Figs. 2-14).

Independent claim 1 has been amended to recite an apparatus for treating atrioventricular valve regurgitation which includes, *inter alia*, **a grasping arrangement configured to constrain the movement of a chord relative to the catheter**. In particular, Applicants respectfully submit that the Chiang Patent has absolutely no disclosure of any such grasping arrangement which is configured to constrain movement of a chord. Applicants respectfully submit that the Chiang Patent does not disclose an apparatus having such grasping arrangement.

Claims 2 and 56-67 depend from amended independent claim 1, and Applicants respectfully submit that these claims are also allowable over the prior art relied on by the Examiner for at least the same reasons provided with respect to amended independent claim 1 above.


Accordingly, Applicants respectfully submit that the subject matter recited in pending claims 1, 2, and 56-67 is not disclosed in the Chiang Patent, and that the rejection of claims 1 and 2 under 35 U.S.C. § 102(b) should be withdrawn.

## V. **CONCLUSION**

In light of the foregoing, Applicants respectfully submit that pending claims 1, 2, and 56-67 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Examiner is invited to contact the undersigned to expedite the prosecution of this application if any issues remain outstanding.

Respectfully submitted,

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By:   
Gary Abelev  
Patent Office Reg. No. 40,479

Steven P. Marsh  
Patent Office Reg. No. 53,271

DORSEY & WHITNEY, L.L.P.  
250 Park Avenue  
New York, New York 10177

Attorney(s) for Applicant(s)  
(212) 415-9371

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